

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**ERIC LEE PROCTOR,**

**Plaintiff,**

**v.**

**KEVIN STITT et al.,**

**Defendants.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**Case No. CIV-23-141-G**

**ORDER**

Plaintiff Eric Lee Proctor, a state prisoner appearing pro se, brings this action under 42 U.S.C. § 1983 and has filed an application seeking leave to proceed *in forma pauperis*. The matter was referred to Magistrate Judge Gary M. Purcell for initial proceedings in accordance with 28 U.S.C. § 636.

On February 14, 2023, Judge Purcell issued a Report and Recommendation (Doc. No. 6) finding that Plaintiff has available funds sufficient to pay the \$402.00 filing fee and recommending that Plaintiff's application for leave to proceed *in forma pauperis* be denied.

In the Report and Recommendation, Judge Purcell advised Plaintiff of his right to object to the Report and Recommendation by March 6, 2023. Judge Purcell also advised that a failure to timely object would constitute a waiver of the right to appellate review of the factual findings and legal conclusions contained in the Report and Recommendation. As of this date, Plaintiff has not filed any objection to the Report and Recommendation or sought leave for additional time to do so.

Accordingly, the Court ADOPTS the Report and Recommendation (Doc. No. 6) in its entirety. Plaintiff's application for leave to proceed *in forma pauperis* (Doc. No. 2) is DENIED.

Plaintiff is advised that unless he pays the \$402.00 filing fee in full to the Clerk of the Court on or before April 7, 2023, or shows good cause for his failure to do so, this action shall be subject to dismissal without prejudice. *See* LCvR 3.3(e).

IT IS SO ORDERED this 17th day of March, 2023.

  
\_\_\_\_\_  
CHARLES B. GOODWIN  
United States District Judge